

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiff, v. CITY OF BOSTON, MASSACHUSETTS, <u>et al.</u> , Defendants.	Civil Action No. 05-11598 WGY
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Secretary of the Commonwealth's Report to the Court

Pursuant to the Secretary of the Commonwealth's Report to the Court dated August 8, 2007, the Secretary submits this status report regarding the upcoming state elections in Boston.

1. In accordance with his previous filings, the Secretary is working to actively inform Chinese-speaking voters in the designated precincts that AutoMARK Voter Assist Terminals will provide an audio track in designated languages, including both Cantonese and Mandarin, for voters who desire language assistance. The Secretary has prepared, and is currently having translated, advertisements to appear in Chinese language newspapers informing voters of the availability of these machines at the designated polling places. The Secretary will submit the advertisements to appear in the Sampan Newspaper and in the World Journal Newspaper prior to the Special State Primary for the Middlesex, Suffolk and Essex Senate District on September 11, 2007, the Special State Primary for the First Suffolk Representative District on September 25, 2007, the Special State Election for the Middlesex, Suffolk and Essex Senate District on October 9, 2007 and the Special State Election for the First Suffolk Representative District on October 23, 2007.

Also, the Secretary will be putting up additional signage in Chinese in the designated polling places to inform voters of the availability of these machines, including the audio component in both Cantonese and Mandarin, and directing voters wishing to use such machines to ask a poll worker.

2. The audio component of the AutoMARK Voter Assist Terminals will be available in the designated precincts in Mandarin, Cantonese, English, and Spanish.¹ Because this is the first time that a Mandarin audio track will be made available in Massachusetts, additional preparation time is necessary. Accordingly, for the upcoming September 11, 2007, Primary for the Middlesex, Suffolk and Essex Senate District, the Secretary has already provided the Chinese translations and electronic copies of the bilingual English/Chinese ballots to the programming company, ahead of schedule, to prepare the Mandarin audio track. As previously indicated, the Secretary will also provide the Mandarin audio track for the October 9, 2007, Election for the Middlesex, Suffolk and Essex Senate District, as well as the September 25, 2007, Primary and October 23, 2007, Election for the First Suffolk Representative District.²

¹ Pursuant to Chapter 111 of the Acts of 2006, Vietnamese audio tracks will also be available in designated precincts.

² For the record, the Secretary feels constrained to correct a serious distortion in the *United States' Response to the Secretary's August 8, 2007 Report to the Court* (docket no. 107). At the hearing on July 25, 2007, the Court requested, and the parties agreed, to meet to discuss whether there were any outstanding issues regarding *poll worker misconduct* involving Chinese-speaking voters in the City of Boston; in making that request, the Court specifically differentiated between issues of *transliteration* on the one hand and issues of *poll worker interference and misconduct* on the other. Transcript of Hearing at 30-32. In his *Report to the Court* dated August 8, 2007 (docket no. 106), the Secretary reported that the parties had in fact met pursuant to the Court's request and had agreed that such allegations of *misconduct* (to which the Court had referred in making its request) related to the pre-Settlement period and had not been repeated in the post-Settlement period. That report and that representation were accurate. In its *Response*, however, the United States accused the Secretary of representing that the United States had agreed that "*violations of voting rights of Chinese-speaking citizens*" had not occurred in the post-Settlement period. (Emphasis added). In fact, the Secretary's *Report* said no such thing—it was confined to the specific issue of poll worker misconduct raised by the Court. The parties continue to differ regarding other issues, but they, of course, were not the subject of the Court's request or, accordingly, of the Secretary's *Report*.

Respectfully submitted,

SECRETARY OF THE
COMMONWEALTH OF
MASSACHUSETTS

By his attorney,

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August 24, 2007

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/s/ Peter Sacks